

### **REMARKS**

Claims 2-23 are presently pending in the application. Claims 2, 3, 5-7, 10, 12-14 and 17 are rejected. Claims 4, 8, 9, 11, 15 16 and 18-22 are objected to. New claim 23 has been added for substantive examination. The specification and drawings stand as filed.

Reconsideration of the objections and rejections set forth in the aforementioned Office Action is respectfully requested in view of the following remarks. The basis for the amendments can be found throughout the Specification, Claims and Drawings as originally filed.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 3, 5-7, 10, 12-14 and 17 are rejected under 35 U.S.C. § 103(a) as being anticipated by Iizuka (U.S. Pat. No. 4,107,921) in view of Bonfiglioli et al (GB 2 219 829). This rejection is respectfully traversed.

Applicants and the Examiner agree that Iizuka does not disclose transitioning the engine from the activated mode to the deactivated mode, including closing a first throttle and opening a second throttle as stated on page 3 of the Office Action. Applicants respectfully submit that Bonfiglioli et al. does not disclose closing a first throttle and opening a second throttle when the engine is transitioned from the activated mode to the deactivated mode. On the contrary, Bonfiglioli et al. discloses low speed operation of opening throttle 12 and allowing throttle 13 to **remain closed**. Accordingly, Bonfiglioli relates to a condition where throttle 13 is already closed and simply remains closed until high-power performance is required when both throttles 12 and 13 are eventually wide open (Page 7, lines 11-19). As such, Bonfiglioli et al. discloses merely separate

operation of two throttles but does not disclose opening one throttle and closing another while transitioning the engine from an activated mode to a deactivated mode.

Applicants submit that one skilled in the art would not find any of the presently pending claims obvious over Iizuka in view of Bonfiglioli because even in combination with one another, the references do not teach or suggest an engine control system as defined by the presently pending claims. A separate throttle control where one throttle remains closed and another throttle is opened at low engine speed is simply the same operation used in four barrel carburetors for decades. Combining this concept with the teachings of Iizuka still fall short of an engine control system as claimed. As described in paragraph 25 of the present application, throttle A begins to close and throttle B begins to open to allow cylinder deactivation to occur **with minimal torque variation**. As noted in paragraph 19, during deactivation of certain cylinders, controller 24 increases the power output of the remaining cylinders. This control scheme allows activation and deactivation of cylinders to become transparent to the user because engine torque output varies minimally using the claimed control scheme. Neither Iizuka nor Bonfiglioli either solely or in combination with one another teach or suggest such a control system.

Furthermore, Applicants respectfully submit that Iizuka teaches away from a possible combination with any reference disclosing opening one throttle and closing another while transitioning from an activated mode to a deactivated mode because Iizuka at Col. 11, lines 47-52, discloses fully opening the throttle valve associated with an inoperative cylinder to reduce pumping loss of the engine. Therefore, Applicants respectfully request withdrawal of the § 103 rejections.

### **ALLOWABLE SUBJECT MATTER**

Claims 4, 8, 9, 11, 15, 16 and 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants would like to thank the Examiner for noting that certain claims would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the pending claims are presently in condition for allowance.

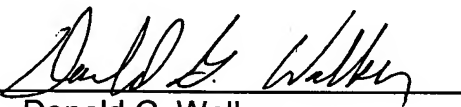
### **CONCLUSION**

All of the grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding office action, and as such, the present application is in condition for allowance.

If it is believed that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600. Prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

Dated October 25, 2005

By   
Donald G. Walker  
Reg. No. 44,390

General Motors Corporation  
300 Renaissance Center  
M.C. 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000